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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,688	02/25/2004	Thomas M. Zinsmeyer	60246-329	3006
26096	7590	08/08/2007	EXAMINER	
CARLSON, GASKEY & OLDS, P.C.			TRIEU, THERESA	
400 WEST MAPLE ROAD			ART UNIT	PAPER NUMBER
SUITE 350			3748	
BIRMINGHAM, MI 48009				
MAIL DATE		DELIVERY MODE		
08/08/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/786,688	ZINSMEYER ET AL.
Examiner	Art Unit	
Theresa Trieu	3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 May 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 and 5-17 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

This Office Action is responsive to the applicants' amendment filed on May 31, 2007 and May 18, 2007.

Claims 1, 9 and 12 have been amended. Claim 4 has been canceled. Accordingly, claims 1-3 and 5-17 are pending in this application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Eto et al. (Eto) (Patent Number 5,411,385).

Regarding claims 1-3, 5 and 8, as shown in Fig. 1, Eto discloses a compressor assembly comprising: an inlet bearing 22f supplied with lubricant through an inlet orifice; an outlet bearing 22r supplied with lubricant through an outlet orifice; a rotating compressor member 7 supported for rotation on an inlet end by the inlet bearing and on an outlet end by the outlet bearing; a plurality of flow passages 19, 20 for supplying lubricant to the inlet and outlet orifices; and a choke orifice "Of" disposed in series with the inlet for changing a lubricant flow rate relative to the outlet orifice; the inlet orifice and the outlet orifice are of a common size; the flow passages 19, 20 comprising a primary portion 30 feeding lubricant to an inlet portion and an outlet portion; a flow rate of lubricant to the inlet orifice is lower than a flow rate of lubricant to the outlet orifice; a portion of the flow passage comprising tubing mounted to the compressor.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 6 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eto in view of Libis (Patent Number 4,173,440).

Regarding claims 6, 9 and 12, Eto discloses the invention as recited above; however, Eto fails to disclose the compressor assembly comprising a screw compressor. It would have been obvious to one having ordinary skill in the compressor art at the time the invention was made, to have utilized the screw compressor as taught by Libis in the Eto device since both types of compressor are shown to be conventionally utilized to compress a fluid.

Regarding 10, 11 and 13, Eto discloses the inlet orifice and the outlet orifice are of a common size; the flow passages 19, 20 comprising a primary portion 30 feeding lubricant to an

inlet portion and an outlet portion; a flow rate of lubricant within the inlet portion is lower than a flow rate of lubricant within the primary portion 30.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eto in view of Williams (Patent Number 3,260,444).

Eto discloses the invention as recited above; however, Eto fails to disclose a lube block.

Williams teaches that it is conventional in the art to utilize a lube block (not numbered; however, clearly seen in Fig. 8) defining a portion of the flow passage, wherein the choke orifice is disposed within the lube block. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the lube block, as taught by Williams in the Eto apparatus, since the use thereof would have covered the choke orifice.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eto in view of Libis as applied to claim 9 above, and further in view of Williams (Patent Number 3,260,444).

The modified Eto discloses the invention as recited above; however, the modified Eto fails to disclose a lube block.

Williams teaches that it is conventional in the art to utilize a lube block (not numbered; however, clearly seen in Fig. 8) defining a portion of the flow passage, wherein the choke orifice is disposed within the lube block. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to have utilized the lube block, as taught by Williams in the modified Eto apparatus, since the use thereof would have covered the choke orifice.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eto in view of Libis.

Eto discloses the invention as recited above; however, Eto fails to disclose three inlet/outlet bearing assemblies, and three inlet/outlet orifices. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to utilize three inlet/outlet bearing assemblies and three inlet/outlet orifices, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8 (see MPEP §2144.04).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eto in view of Libis

Eto discloses the invention as recited above; however, Eto fails to disclose range of the flow rate to the inlet bearing assemblies. It would have been obvious to one having ordinary skill in the art at the time the invention was made, to utilize the lubricant flow rate to the inlet bearing assemblies is no more than 1/5<sup>th</sup> the lubricant flow rate to the outlet bearing assemblies, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 220F.2d 454,456, 105 USPQ 233, 235 (CCPA 1955) (see MPEP §2144.05).

#### *Response to Arguments*

7. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

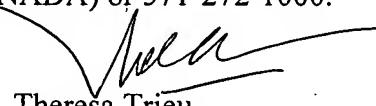
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3748

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
August 2, 2007

  
Theresa Trieu  
Primary Examiner  
Art Unit 3748